



U.S. Department of Justice
United States Attorney
Southern District of New York

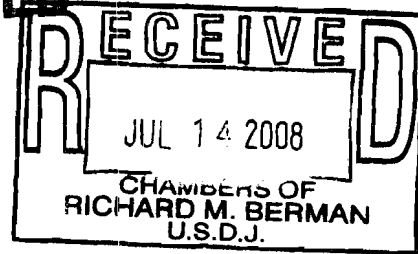
The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 14, 2008

BY HAND

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

MEMO ENDORSED



Re: United States v. Judith Leekin,
08 Cr. 446 (RMB)

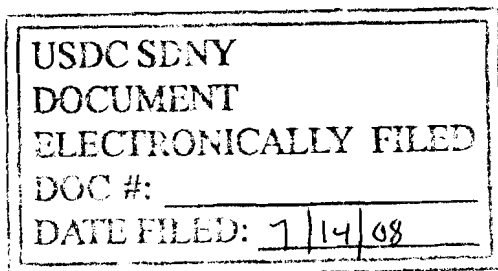
Dear Judge Berman:

The Government respectfully writes to forward to the Court a letter from counsel for the defendant in this case.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: Alexander J. Willscher
Alexander J. Willscher
Assistant United States Attorney
Tel: (212) 637-2736
Fax: (212) 637-2452



cc: Diamond Litty, Esq./Mark V. Harlee, Esq. (by fax)
John Walsh, Esq. (by fax)
Renee Marquis, Esq. (by fax)
Joseph Cardieri, Esq. (by fax)
John F. Stupp, Esq. (by fax)

The Court will consider this submission in connection with the 7/15/08 sentencing.	
SO ORDERED: Date: 7/14/08 <u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.	



Diamond R. Litty
PUBLIC DEFENDER

OFFICE OF
Public Defender
NINETEENTH JUDICIAL CIRCUIT

Mark V. Harlee
CHIEF ASSISTANT
PUBLIC DEFENDER

216 SOUTH SECOND STREET
FORT PIERCE, FLORIDA 34950

TELEPHONE (772) 462-2048
SUNCOM 259-2048
FAX (772) 462-2047

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

Re: United States v. Judith Leekin
08 Cr. 446 (RMB)

Judge Berman:

In response to this Court's notice of possibly exceeding the guideline sentencing range in the above-styled case, and John Walsh, Esq's letter of July 11, 2008, the undersigned would present the following to urge this Court follow the plea agreement entered in this case and sentence the Defendant to a range of 78-97 months imprisonment.

Judith Leekin entered a plea to Count I, Mail Fraud and Count II, Wire Fraud on May 20, 2008. At the time of the entry of the plea, Ms. Leekin expressed remorse to this Court and plead as charged without offering a defense. She has cooperated with authorities in New York and Florida to resolve this case as quickly as possible and with as little damage to the alleged victims in this case.

She has not fought the seizure of her two homes or any other assets, including the retainer fee paid to her initial attorney, Mario Garcia. The subsequent sale of these properties will go a long way to making good on the restitution amount of \$1.68 million (an amount not objected to or defended against in this case).

The defense is cognizant of this Court's concerns regarding the lack of proper background checks, identity verification and home placement investigation by the various organizations involved in this proceeding. Hopefully, this case will effect changes within these organizations so this type of situation will be avoided in the future.

The defense is also cognizant of this Court's concerns over the past allegations of abuse by the Defendant toward the children involved and their future well-being. Currently, these individuals

are well cared for in clean, healthy and loving environments. We have spoken with and/or deposed the majority of them and found them to be well-adapted to their new surroundings and living structures. They are doing well in school and have quickly adopted normal skills and lifestyles.

It is to these two points we would like to address this Court. As mentioned at the plea colloquy on May 20, 2008 and again in our initial comments to this Court regarding sentencing, Ms. Leekin is currently facing charges in Florida which have the potential of keeping her in custody the rest of her natural life. She is 63 years old and faces a maximum of 120 years in prison in Florida.

While her actions can be seen as reprehensible, the charges she has plead to in this case are mail fraud and wire fraud. The decision by the U.S. Attorney in New York and the State Attorney in Florida to proceed on their respective charges has been well thought out and coordinated as to which agency would be pursuing which charges. Rest assured, the State Attorney's Office in Florida is aggressively investigating and prosecuting the abuse charges as well as the identity fraud charge.

This is where Mr. Walsh's comments to the Court are mis-directed. While there is some overlapping of the Federal and Florida charges, the physical, emotional and mental abuse aspects are more properly addressed by the Florida Court. Also, the allegations contained in Mr. Walsh's letter of July 11, 2008 are at this time, essentially just that. Uncorroborated, emotional and unsubstantiated.

There is a time and a place for everything in these cases, as well as in life. Ms. Leekin's day of reckoning for the abuse charges is properly in Florida, as evidenced by the charging documents filed in each of the jurisdictions. This is substantiated by the U.S. Attorney's decision on filing these two specific charges, as well as their decision to stand by their recommendation of a guideline sentence.

We urge this Court to follow the agreed-upon plea and sentence in this case.

Sincerely,

Diamond R. Litty, Esq.